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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,843	02/28/2000	Terry Lynn Cole	2000.036100	9375
23720	7590	11/03/2005		
WILLIAMS, MORGAN & AMERSON, P.C. 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			EXAMINER BOCURE, TESFALDET	
			ART UNIT 2631	PAPER NUMBER

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/514,843

Applicant(s)

COLE ET AL.

Examiner

Tessfaldet Bocure

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 and 10 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-27 is/are rejected.
- 7) ☐ Claim(s) 8 and 28-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed July 12, 2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because there is no English translation or a concise explanation of the relevance of the cited Chinese patent. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 11-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Weaver et al.** (US patent number 4,882,754, of a record) in view of **Kramer et al.** (US patent number 6,658,027, newly cited).

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4. **(Weaver** hereinafter) teaches a transmission system having a transmitter (fig.1) and a receiver (fig.2), wherein the transmitter comprising: a transmitter buffer (36); a buffer fullness detecting circuit (44) for detecting the buffer fullness; compressing the data to be transmitted (28 and 29); and truncating circuit (24) for truncating portion of the signal to be transmitted according to the determined buffer fullness as in claims 1,3,11-13, 16,17,18 and 23-25.

Weaver also teaches that if the channel 38 is operating at a constant rate, the number of bits removed is a direct function of time, and use of this fact may be made in determining the number of bits removed from the buffer (see col. 5, lines 60-68 and col. 8). However he is silent as to whether detection is made to determine if the buffer is full or not so that the bits can be deleted from the buffer or added to the buffer.

Kramer for the same endeavor as the instant application and that of Weaver teaches a voice communication system having a buffer jitter control unit 150 and 140 for controlling the buffer 120 so that data can be deleted or added from the buffer depending on the status detected by the detector (see also starting col. 4, line 49 through col. 5, line 67 for the number of headers deleted from the jitter buffer under the control of jitter buffer manager 250). Therefore, it would have been obvious to one of an ordinary skill in the art to use the teaching of Kramer in order to directly delete/compress data from the buffer of Weaver at the time the invention was made.

Further to claims 1,11,16 and 23, Weaver also teach that the receiver having means for reformatting, claimed reconstructing, the received signal (see col. 6, lines 45-55).

Further to claims 4,5,6,7,14,15,19,20,21,22 and 27, **Weaver** also teaches that the transmitter transmits the information pertaining to the scaling and truncation of the data sample to the receiver, and the receiver uses the received information to deformat, claimed reconstituting and decompressing, the samples truncated and compressed by the transmitter (see starting line 48 in col. 5 through col. 6, line 55). It should be noted that at the descaler 57, the decoded signals are left shifted by the same amount that they were right-shifted at the scaler 29 under control from the deformater 52 and the decoder knows when to decode. Therefore, the information transmitted by the transmitter as to the truncation information informs the receiver when to left shift in order to reconstruct the compressed or truncated signal.

Weaver truncates portion of the signal to be transmitted and reconstruct the data at the receiver bases on the information about the truncation. However, **Weaver** fails to teach that: deleting selected samples in contiguous blocks of the buffered data within the buffer as in claims 2 and 17; deleting selected samples by every nth sample of the buffered data within the buffer as in claim 3 and 18; and rounding samples as in claim 12. Such deleting selected samples in contiguous blocks of the buffered data within the buffer and deleting selected samples by every nth sample of the buffered data within the buffer as claimed and disclosed does not show any criticality and the truncation of **Weaver** will still be able to minimize the overfullness of the buffer at the transmitter and still be able to reconstruct the sample at the receiver.

Therefore, it would have been obvious to one of an ordinary skill in the art to use the information pertaining to the truncated part of the sampled transmitted to receiver for reconstructing the truncated information at the time the invention was made.

Response to Amendment

5. Applicant in his amendment or remarks did not address the issue regarding the Information Disclosure Statement raised in the last office action mailed on June 2, 2005, therefore the action has been repeated in the first paragraph of this office action.

6. Applicant's argument with respect to claim 8, in page 3, second paragraph and page 6, third paragraph is moot because claim 8 was not rejected under any of the arts of record in which Examiner relied upon to reject the outstanding rejected claims.

7. In response to Applicant argument with regard to independent claims 1, 11, 16 and 23 the art of record that Weaver does not teach or suggest that the data samples are deleted or truncated directly from the buffer. Examiner agrees that Weaver does not show that the data samples are not directly truncated from the buffer as claimed in the independent claims, however, the secondary reference, Kramer, teaches that the header bits are deleted from the jitter buffer 120 under the control of jitter buffer manager 230 manager once a jitter is detected (see starting col. 4, line 55 through col. 5, line 67).

Allowable Subject Matter

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8. Claims 8 and 28-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 9-10 are allowed.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tesfaldet Bocure whose telephone number is (571) 272-3015. The examiner can normally be reached on Mon-Thur (7:30a-5:00p) & Mon.-Fri (7:30a-5:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T.Bocure

Tesfaldet Bocure
Primary Examiner
Art Unit 2631

